

**WHITEHEAD DECLARATION**  
**EXHIBIT I**

David Tracy

December 3, 2019

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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UGOCHUKWU GOODLUCK NWAUZOR, )  
FERNANDO AGUIRRE-URBINA, )  
individually and on behalf of all )  
those similarly situated, )  
Plaintiffs, )  
vs. ) No. 17-cv-05769-RJB  
THE GEO GROUP, INC., a Florida )  
corporation, )  
Defendant. )  
-----

Videotaped  
Deposition Upon Oral Examination of  
DAVID M. TRACY

-----  
10:13 a.m.  
Tuesday, December 3, 2019  
1019 Regents Blvd., Suite 204  
Fircrest, Washington

REPORTED BY: Keri A. Aspelund, RPR, CCR No. 2661

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1 A. When I was -- 27.80 -- 27.84, I believe.

2 Q. And then when you went back to detention  
3 officer, what was your hourly rate?

4 A. 27.84.

5 Q. Okay. And what is your current hourly rate?

6 A. 29.69.

7 Q. I want to talk about your time as a sergeant.

8 Was that a position that you applied for on your  
9 own, or were you recommended into the position?

10 A. I applied on my own.

11 (Exhibit-311 marked.)

12 THE COURT REPORTER: This is Exhibit-311.

13 THE WITNESS: Thank you.

14 Q. You've just been handed Exhibit-311.

15 What are we looking at here?

16 A. A job description.

17 Q. Have you seen this document before?

18 A. I'm not sure. Probably at some point in my life  
19 I've seen this. I don't know if it was this exact job  
20 description.

21 Q. Well, do you think this is a fair and accurate  
22 representation of the job description for sergeant, the  
23 position of sergeant, at the Northwest Detention Center?

24 A. Yeah. Yes.

25 Q. All right. So looked like you just read the --

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1 the document front and back there.

2 Do you see the Primary Duties and

3 Responsibilities there on the first page?

4 A. Yes.

5 Q. And do you agree that those were your primary  
6 duties and responsibilities as sergeant?

7 A. I would say the overall primary duty is to  
8 ensure the safety and security of all individuals inside  
9 the building.

10 Q. Certainly overarching, but as to the specific  
11 duties and responsibilities, would you agree there that  
12 that was an accurate statement of your duties and  
13 responsibilities as sergeant?

14 MS. MELL: Object to the form of the question --

15 A. Yes.

16 MS. MELL: -- asked and answered.

17 Q. I'm sorry, your answer was yes?

18 A. Yes.

19 Q. Is there anything that you would add to this  
20 list?

21 MS. MELL: Object to the form.

22 A. There's other things that could be added but not  
23 necessary. These are the primary duties.

24 Q. I'd like for you to look at the tenth bullet  
25 down for me. It's the one that reads, "Directs work,

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1 provides training, and performs inspections of work  
2 performed by inmate/detainee workers."

3 Do you see that?

4 A. Yes.

5 Q. Can you tell me all the ways in which you  
6 directed detainee work as a sergeant at the Northwest  
7 Detention Center.

8 A. We would get a list of volunteers that want to  
9 do some type of outside duty, they're not required to do  
10 it, but something that they want to do. Some people may,  
11 you know -- if they're a really good painter, and they want  
12 to paint, or they used to buff and wax floors outside  
13 before they were there, and they want to do it, it gets  
14 them outside of where they, you know, have to be. So they  
15 would come to -- usually they would go to one of the pod  
16 officers, Hey, I want to do this, you know, is there a way  
17 I can do it?

18 And then we would talk to them, get them the  
19 equipment they need, make sure they have the understanding  
20 of what needs to be done and how to make sure it gets done  
21 safely. If they need to wear goggle -- you know, safety  
22 equipment, make sure they have their safety equipment, make  
23 sure that they have all the equipment they need to do the  
24 job they're going to do or they want to do.

25 Q. Anything else as to how you directed the work of

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1 detainee workers while you were a sergeant?

2 A. Besides assigning an officer to oversee the --

3 the actual work that was being done, I don't think so.

4 Q. And is it the case, did you directly oversee the  
5 work that was being done by detainee workers?

6 A. Not -- you know, not standing over them, you  
7 know, a hundred percent of the time, but occasionally, you  
8 know, walking down the -- the hallway, you would check out  
9 what they were doing, and talk to them, make sure  
10 everything's going good. And if they needed anything, they  
11 could, you know, always ask.

12 Q. So is it the case then that you would direct  
13 them in terms of the tasks to carry out, but that your  
14 supervision wasn't always direct?

15 MS. MELL: Object to the form of the question.

16 A. There would -- you know, with something like  
17 buffing and waxing, there would be an officer present, but  
18 paintingwise, you know, they could go and paint a hallway  
19 without having to be directly supervised by an officer.

20 Q. Would you agree that as a detention officer,  
21 which is your current role, that part of your job is to  
22 direct the work, provide training, and perform inspections  
23 of work performed by inmate/detainee workers?

24 MS. MELL: Object to the form of the question.

25 A. Can you say it one more time?

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1 Q. Sure.

2 Your current role is that of detention officer;  
3 correct?

4 A. Yes.

5 Q. Okay. As part of your job as a detention  
6 officer, does it involve directing the work, providing  
7 training, and performing inspections of work performed by  
8 the detainee workers?

9 MS. MELL: Object to the form.

10 A. Yes.

11 Q. And as a detention officer, is your direction  
12 and supervision of the detainee workers more hands on or  
13 more direct than it was when you were a sergeant?

14 MS. MELL: Object to the form of the question.

15 A. Yes.

16 Q. In what way?

17 A. As the officer, you're there the whole time.  
18 You know, if you're -- for example, if you're in a unit,  
19 and they're -- a detainee's mopping the floor, you're  
20 physically there in the area to see what's going on, versus  
21 a supervisor, you would see it when you would come and do  
22 round or if you needed to go to the unit for whatever  
23 reason. You weren't physically in that -- that location or  
24 that area the whole time.

25 Q. Any other distinction?

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1 MS. MELL: Object to the form.

2 A. Not that I can think of.

3 Q. Who do you currently report to?

4 A. Chain of command. So my sergeant, lieutenant,  
5 captain, major.

6 Q. Who is your current sergeant that you report to?

7 A. On shift, it would be Sergeant Steffens or  
8 Sergeant Hillin.

9 Q. And the lieutenant?

10 A. Wilson -- I'm sorry, Lieutenant Wilson or  
11 Lieutenant Jackson.

12 THE WITNESS: Can I get some water, please?

13 MS. MELL: Yeah.

14 THE WITNESS: Thank you.

15 MS. MELL: Actually, let's -- I just need one  
16 quick break while I fill that.

17 THE WITNESS: Thank you.

18 (Ms. Mell left the proceedings.)

19 MR. WHITEHEAD: Well, looks like we're off the  
20 record.

21 THE VIDEOGRAPHER: Going off the record. The  
22 time is 10:37.

23 (Recess at 10:37 a.m.)

24 (Reconvened at 10:38 a.m.)

25 THE VIDEOGRAPHER: Back on the record. The time

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1 habit, but for the most part, it's FA.

2 Q. All right, so there's the warden turning into  
3 the facility administrator; any other name changes?

4 A. The assistant warden.

5 Q. Is now assistant facility administrator?

6 A. Yeah, AFA.

7 Q. Okay. Any others?

8 A. Not that -- not that I can think of.

9 Q. Who does the Northwest Detention Center house?

10 A. The detainees?

11 Q. Yes.

12 A. Detainees either waiting or fighting their case  
13 within the immigration system.

14 Q. To your knowledge, is any component of their  
15 stay criminal punishment?

16 MS. MELL: Object to the form of the question.

17 A. No, it's all -- it's administrative.

18 Q. Have you ever been disciplined at Northwest  
19 Detention Center?

20 A. Not -- not to my knowledge.

21 Q. Do you receive performance reviews?

22 A. Yes.

23 Q. Have there been any issues or any aspects of it  
24 that have been critical of your performance?

25 A. In -- I don't know what year it was, the only

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1 Q. What about recreation/barber, can you tell me  
2 about all aspects of your direction or supervision that you  
3 provided to the detainee workers?

4 A. The barbershop is open during the days, day  
5 shift, which early morning. I didn't work that shift.

6 Q. So you've had no involvement then with  
7 supervising or directing the work in the barbershop?

8 A. No.

9 Q. That would be just other detention officers  
10 then?

11 A. Other supervisors, other officers.

12 Q. What about in the living areas, can you tell me  
13 about all aspects of the direction and supervision that you  
14 provided to detainee workers in the living areas?

15 A. You allow them access to the janitor closet,  
16 allow them to get what they need to do -- to do their job  
17 they've requested, and then amongst just daily work inside  
18 the unit, you're always cognitive of I know I've got a  
19 group over here mopping and sweeping, so make sure they  
20 have -- you know, make sure there's a wet floor sign down,  
21 that type -- that type of stuff, overseeing what they're  
22 doing.

23 Q. Do you ever tell them where to clean?

24 A. Yeah.

25 Q. Do you tell them when to clean?

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1           A.    There's -- with inside the units, they kind of  
2    have their own.  The other detainees, once they get a new  
3    job, they kind of explain to them how it works.  So, for  
4    example, the food porter, he works when the food comes.  
5    That's what his job -- you know, that's what his job is.  
6    He can't do his job when there's no food there.  So when  
7    it's time for food, you know, you might have to go wake him  
8    up or let him know, if he's outside playing basketball, or  
9    whatever, meals -- meals are up.

10           Q.    So in that way then, you're directing whoever  
11    that food porter is to show up to work?

12           MS. MELL:  Object to the form of the question,  
13    totally mischaracterizes his testimony.

14           A.    Can you repeat your question one more time?

15           Q.    Sure.

16           You told me that with the food porter, for  
17    example, that they can only work when the food arrives, and  
18    that if they're asleep or in recreation, that you go to get  
19    help; did I get that right?

20           A.    Yeah, let them know that, you know, the meals  
21    are ready, ask them to go to the kitchen.  Not making them  
22    go to the kitchen, because they don't have to do it, they  
23    can always put a request in to not work anymore.

24           Q.    All right, you mentioned janitor, closet access;  
25    do you remember that?

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1 A. Yes.

2 Q. Okay. And that's so that they can access the  
3 cleaning supplies?

4 A. Correct.

5 Q. And these are supplies that GEO provides;  
6 correct?

7 A. Correct.

8 Q. Do the detainee workers supply their own  
9 cleaning materials?

10 A. No.

11 Q. Does GEO provide the cleaning solution?

12 A. Yes.

13 Q. Does GEO provide the sponges and mops necessary  
14 to do the cleaning?

15 A. Yes.

16 Q. The rags?

17 A. Yes.

18 Q. As it relates to the cleaning, do you train or  
19 have you trained detainee workers on proper cleaning  
20 technique?

21 A. Yes, you explain, you know, how it's -- how it  
22 needs to be done, or you know, what -- what to look for.

23 In the showers, you know, you might want to use this tool  
24 instead of using a mop to wipe down the shower walls, you  
25 might want to use a scrub brush, to use the scrub brush to

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1       actually scrub -- scrub inside the showers.

2           Q.     What if a detainee worker has no prior cleaning  
3       experience; is it the case then that GEO would train that  
4       person on how to do the job?

5           A.     I would explain to them how to do it.

6           Q.     And that explanation is essentially on-the-job  
7       training; is that fair to say?

8           A.     Yeah.

9           Q.     Can the detainee workers -- again, we're talking  
10       specifically about living areas --

11          A.     Okay.

12          Q.     -- could they clean a different pod for more  
13       money?

14          A.     No.

15          Q.     If they worked quickly or more efficiently,  
16       could they earn more money?

17          A.     No.

18          Q.     Could they earn overtime for working more?

19          A.     No.

20          Q.     Has a detainee worker ever tried to negotiate  
21       with you about the rate of pay for cleaning their living  
22       area?

23          A.     Not that I can recall.

24          Q.     Could a detainee worker -- strike that.

25                    Do detainee workers have discretion to clean

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1       outside the facility?

2           A.    When you say outside the facility --

3           Q.    Yeah, that wasn't -- that wasn't a good one.

4                   And I should say that also. I'll probably ask  
5       some bad questions today. I'm going to try my best to ask  
6       good ones, and certainly let know if you don't understand,  
7       just like you did there.

8                   I guess what I'm driving at is if a detainee  
9       worker says, I don't want to clean my assigned area, I want  
10      to clean somewhere else, do they have the discretion to  
11      make that call in the moment?

12           A.    They can basically quit their job they  
13       volunteered for and put another request in to go clean  
14       where they want to clean, and then they might join the  
15       waiting list and have to wait for one of those spots to  
16       open up.

17           Q.    That request is seeking authorization though he  
18       to clean somewhere else; is that right?

19                   MS. MELL: Object to the form of the question.

20           A.    So if they're -- just for example, if they're a  
21       worker in the living area, and they want to -- they don't  
22       want to work in the living area anymore, they can say they  
23       want -- they don't want to work anymore. If they're in the  
24       living area and want to work in the kitchen, they can --  
25       they can still work in the living area and wait. You know,

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1 the kitchen usually has a waiting list. They can --  
2 sorry -- they can still work in the unit until that job in  
3 the kitchen comes available, and then once that job is  
4 available, then they can make the decision hey, I want to  
5 keep doing this, or no, I do not want to do this anymore,  
6 I'm going to take that position in the kitchen.

7 Q. The scenario you've just described though is --  
8 involves the detainee worker though requesting to work  
9 somewhere else; is that right?

10 MS. Mell: Object --

11 A. Yes.

12 MS. MELL: Object to the form.

13 Q. And they can only work somewhere else if GEO  
14 authorizes them to do so?

15 MS. MELL: Object to the form of the question.

16 Q. Is that right?

17 MS. MELL: Object to the form of the question.

18 A. Yes, they need permission to work in certain  
19 areas due to classification or whatever.

20 Q. So that's my question. I mean, if a detainee  
21 worker was assigned to work in pod A, they couldn't just  
22 wake up that day say, you know what, I'm going to clean in  
23 the laundry today? They don't have the discretion to do  
24 that; is that correct?

25 A. No.

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1 MS. MELL: Object to the form.

2 A. No.

3 Q. And when you say no, you're agreeing with me,  
4 they lack the discretion to make that call in the moment  
5 about where to work?

6 A. I'm answering your question that they cannot  
7 decide where they want to go work. They're allowed to work  
8 in the area that they're assigned to.

9 Q. You talked about part of your supervision of  
10 detainee workers in the living area about did you say  
11 making sure that there was signage out?

12 A. Correct.

13 Q. So wet floor signs, for example?

14 A. Yes.

15 Q. So is this an example of you making sure that  
16 they're conducting their work in a safe manner?

17 A. Safe for everybody; safe for them, safe for  
18 other -- other detainees, safe for officers.

19 Q. Are there safety regulations that you're aware  
20 of for the detainee workers working in the living area, or  
21 frankly, anywhere in the facility?

22 A. Can you go a little -- explain a little bit  
23 further?

24 Q. Sure.

25 All right, well let's ground it then. We're

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1 talking about the living area, so let's stick there.

2 Do you train detainee workers about safety when  
3 it comes to cleaning in the living areas?

4 A. There's safety data sheets that are available to  
5 them that show this chemical, this is what it's for, this  
6 is how it's supposed to be used, this is the dilution rate,  
7 this is what you need to do if you interact with the  
8 chemical, you know, if the chemical gets -- were to get  
9 into your eyes, diluted and nondiluted, all that  
10 information is available.

11 Q. And as a detention officer, or as sergeant, did  
12 you provide that information directly to the detainee  
13 workers?

14 A. It's in a book on the desk. Anybody can look at  
15 it at any time.

16 Q. My specific question though is, did you provide  
17 that to them? Did you -- was there ever a moment at which  
18 you affirmatively said, Hey, guys, gals, here are the  
19 safety regulations for the work that you're about to do?

20 A. I -- I can't recall. I -- you know, working in  
21 a unit, put many people into the work program. I can't  
22 force you to read something.

23 Q. When you say you don't recall, is it the case  
24 that it may have happened, and you just don't recall, or  
25 that doesn't sound like something you would have done?

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1           A. It -- I'm -- it probably has happened, but I  
2    can't recall a specific date, a specific individual. It's  
3    just day-to-day work.

4           Q. All right. Is there anything else that you  
5    could think of about the direction and supervision that you  
6    provided to detainee workers working in the living areas,  
7    beyond what you've already described to me?

8           A. If they need something, you know, whatever they  
9    needed to do the job that they needed to do, they can  
10   always ask, and we get them the supplies or whatever item  
11   they need to do the work to get what they need to do done,  
12   if that makes sense.

13           Q. It does.

14           A. Okay.

15           Q. GEO gives them what they need to do the job?

16           A. Correct.

17           Q. Let's talk about -- well, Exhibit-313 talks  
18    about evening workers, and says in parentheses, they are  
19    facility janitorial.

20           Do you know what that means?

21           A. I don't specifically know what it means.

22    Looking at the classification to the right of that, where  
23    it says "Low - Medium High," I'm going to take that as the  
24    detainees that work outside after lights out. So the  
25    detainees that go and, you know, mop -- dust mop and mop

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1 the main hallways that -- throughout the facility.

2 Q. Did you ever direct or supervise detainee  
3 workers performing those evening cleaning tasks?

4 A. Yes, just on the basis that you're out on the  
5 actual floor while they're working. You're not so hovering  
6 over them, Hey, you missed a spot here, or like that, but  
7 you're physically out there with them. You can see what  
8 they're doing.

9 Q. And that's as a detention officer, where the  
10 direction and supervision is more hands on?

11 A. Same as a supervisor. Supervisor would leave  
12 the office. He's not stuck in the desk all day.

13 Q. And when you say supervisor, are you referring  
14 to sergeant?

15 A. Sergeant, I'm sorry. Sergeant.

16 Q. And laundry, did you provide any direction or  
17 supervision to detainee workers working in laundry?

18 A. Yes.

19 Q. Tell me about that.

20 A. They are trained on how to use the washing  
21 machine, the dryer, how to clean the equipment.

22 Q. Anything else in terms of the direction and  
23 supervision that you provided the detainee workers in the  
24 laundry?

25 A. When I personally worked in laundry, I worked

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1 with them. So it was very hands on, you know, right next  
2 to them.

3 Q. Meaning you were doing the laundry right  
4 alongside them?

5 A. Yes.

6 Q. How long did you work in laundry?

7 A. A rough estimate, possibly a year.

8 Q. You said that the detainee workers were trained  
9 on how to use the washer and dryer; did I get that right?

10 A. Correct.

11 Q. And this is training that GEO provides to the  
12 detainee workers?

13 A. The officer in charge of laundry would be the  
14 one doing it.

15 Q. This is GEO's officer; correct?

16 A. Correct.

17 Q. Okay. And that GEO would provide the detainee  
18 workers training on how to clean the equipment; correct?

19 A. Correct.

20 When I say clean, I'm not talking about like  
21 taking apart the machine, but I'm talking about like the  
22 dryers, the lint trap. Not like actually taking apart of  
23 machine and cleaning out the machine.

24 Q. Okay. Fair enough.

25 And GEO provided all of the laundry detergent to

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1     do the laundry; correct?

2           A.    Yes.

3           Q.    If a detainee worker had some secret home remedy  
4    for how to get out stains, could they use it, or would they  
5    have to stick with their training and do the work in the  
6    way that GEO's instructed?

7           A.    If they did it, I'm not aware of it. You know,  
8    if they had, you know, personal soap or something like  
9    that, I wasn't aware. My expectation was use what we  
10   provide to you.

11          Q.    And when you say you weren't aware, you never  
12   observed anyone using anything other than what GEO  
13   provided; is that fair to say?

14          A.    Yeah.

15          Q.    All right, we'll look at some job descriptions  
16   later on, but I want to keep working through your post.

17                  So you said laundry -- maybe I should ask in a  
18   more open-ended fashion.

19                  Did you ever direct and supervise detainee  
20   workers -- strike that.

21                  Tell me where else you've directed and  
22   supervised detainee workers. We talked about the living  
23   areas, we talked about laundry; where else, if anywhere?

24          A.    I think I've worked everywhere in the building,  
25   so visitation, intake, every unit besides the female unit.

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1 laundry shift that you would supervise, for example?

2 A. Roughly one to four.

3 Q. And the cleaning, how long would it take to --  
4 for a detainee worker to finish their assignment in the  
5 visitation room?

6 A. Approximately 20 to 30 minutes.

7 Q. What about intake?

8 A. I would say roughly the same time, 20 to 30  
9 minutes.

10 Q. What about the rec yard?

11 A. I would say just in general, the normal  
12 cleaning, just the sweeping, mopping, that type of thing,  
13 roughly 20 to 30 minutes in -- in every area.

14 Q. Now, the time estimates that you've just given  
15 me, do you base them on your firsthand observation as a  
16 detention officer or sergeant?

17 A. Yes.

18 Q. Now, we've talked a lot about the direction and  
19 supervision that you provide. What role, if any, does ICE  
20 play in directing and supervising the detainee work?

21 A. I believe -- well, they're not -- there's no  
22 supervision from an ICE officer, but the only thing I  
23 believe is that they set the dollar a day that works into  
24 the voluntary worker program.

25 Q. Sure, and we'll certainly talk about the dollar

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1 a day, but to my specific question though about the  
2 detainee work, to your knowledge, does ICE play any role in  
3 directing and supervising the detainee work?

4 MS. MELL: Object to the form of the question.

5 A. No, they may observe if they happen to be in the  
6 same area, but specifically, not to my knowledge.

7 Q. You said you've been there for about ten years  
8 at the facility? Longer than that.

9 A. October 2009.

10 Q. 2009, okay, yeah, so ten years.

11 In your ten years at the Northwest Detention  
12 Center, have you ever observed any ICE personnel directing  
13 a detainee worker in their work in the Voluntary Work  
14 Program?

15 A. Not to my knowledge.

16 Q. To your knowledge, does ICE play any role in  
17 inspecting the areas that detainee workers have cleaned?

18 A. No, not to my knowledge.

19 Q. All right. I deposed Mr. Delacruz yesterday and  
20 asked him a lot of questions about the kitchen, and he  
21 described for me various detainee shifts. If I remember  
22 correctly, he said there was a morning, a lunch, a dinner,  
23 and an evening shift.

24 Can you make any broad statements about detainee  
25 worker shifts for other areas within the facility?

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1       privileges relating to the detainee work status."

2                   Do you see that?

3           A.    Number 7?

4           Q.    Yes.

5           A.    Correct.

6           Q.    Do detainee workers have the discretion to  
7        disregard the rules and regulations as explained by GEO?

8           A.    No, but for example, lights out within the  
9        building is 11:30. Technically you're supposed to be in  
10       your bunk, you know, ready to go to sleep when lights go  
11       out. There's people outside working -- not outside, but  
12       outside the dormitory working at that time. So that --  
13       does that answer your question?

14           Q.    Well, it does in a way.

15                   So let me -- let me try and rephrase it.

16                   I mean, setting aside that narrow example of a  
17        detainee worker trying to complete the work, I mean, it's  
18        your expectation, as a detention officer and sergeant, that  
19        the detainee workers comply with GEO's rules and  
20        regulations for the Voluntary Work Program; correct?

21           A.    Yes.

22           Q.    And in fact, part of the supervision that you  
23        provide is to make sure that the detainee workers are  
24        complying with GEO's rules and regulations; correct?

25           A.    Correct.

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1                   THE COURT REPORTER: This is Exhibit-314.

2                   Q. You've just been handed Exhibit-314.

3                   What are we looking at here?

4                   A. Volunteer work agreement.

5                   Q. Who is this agreement between?

6                   A. The detainee and I -- GEO.

7                   Q. And have you asked detainee workers to sign a  
8 form like this?

9                   A. Yes.

10                  Q. In fact, this is a regular part of what you do?

11                  A. Yes.

12                  Q. Let's look at the fourth item there at the top.

13                  It says "Unexcused absence, unsatisfactory work  
14 performance, or participation in a serious infraction, e.g.  
15 fighting, is cause for removal from a work assignment.

16                  Workers are expected to be ready for work at the required  
17 time."

18                  Did I read that correctly?

19                  A. Yes. Yes.

20                  Q. And do you agree that GEO has the right to  
21 remove detainee workers from their work assignment?

22                  MS. MELL: Object to the form.

23                  A. Yes.

24                  Q. Let's look at item 6. It reads, "Detainees must  
25 adhere to all safety regulations and to all medical and

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1 grooming standards associated with a work assignment."

2 Did I read that correctly?

3 A. Yes.

4 Q. And would you agree with me that the implication  
5 is that if they don't adhere to safety regulations and  
6 medical and grooming standards, that they can't work?

7 MS. MELL: Object to the form of the question.

8 A. In -- I believe that's specific to a certain  
9 area, like the kitchen.

10 Q. Let's look at number 8. "Primary factors that  
11 impact hiring are classification level, attitude, behavior,  
12 and physical ability to perform the job."

13 Do you see that?

14 A. Yes.

15 Q. Would you agree that GEO has some discretion in  
16 who to hire within the Voluntary Work Program?

17 MS. MELL: Object to the form of the question.

18 A. Yes.

19 Q. Is there any sort of skills assessment that you  
20 all do before a detainee worker begins working whatever  
21 their job assignment may be?

22 A. So I know for the kitchen, they have to be  
23 cleared by medical.

24 Q. Do you look for any prior experience?

25 MS. MELL: Object to the form of the question.

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1 A. No.

2 This document, if they want to work, they fill  
3 this out, and write a request, and that's how it's  
4 completed.

5 Q. Do people with prior experience get paid more  
6 than people with no prior experience?

7 A. No.

8 Q. And by people, I mean the detainee workers?

9 A. No.

10 Q. So if a detainee worker has a vast amount of  
11 experience buffing or waxing floors, they don't make any  
12 more than someone that has no experience buffing and waxing  
13 floors; correct?

14 A. It's number 7, "Compensation shall be \$1.00 per  
15 day."

16 Q. So you're agreeing with me, that detainee  
17 workers --

18 A. My -- my answer is they -- whether you have 50  
19 years experience or one day experience, the compensation is  
20 one dollar per day.

21 MR. WHITEHEAD: Let's take a quick break. I  
22 think what I want to do next is a longer patch, so let's  
23 break here.

24 THE VIDEOGRAPHER: This is the end of media one.  
25 This deposition will continue on media two. The time's

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1 11:25. Going off the record.

2 (Recess at 11:25 a.m.)

3 (Reconvened at 11:49 a.m.)

4 THE VIDEOGRAPHER: Back on the record. This is  
5 the beginning of media two to the deposition of David  
6 Tracy. The time is approximately 11:49.

7 Q. Mr. Tracy, do the various work assignments  
8 within the Voluntary Work Program have job descriptions?

9 A. Yes.

10 Q. And are the job descriptions made available to  
11 the detainee workers?

12 A. Yes.

13 Q. And they're made available before they request a  
14 particular job assignment; is that the case?

15 A. Yes.

16 Q. And that's so they can know what they're getting  
17 into in terms of duties and responsibilities?

18 MS. MELL: Object to the form.

19 A. Correct.

20 Q. Is there also an accountability piece to the job  
21 descriptions, meaning that if a worker isn't carrying out  
22 their specific work duties, everyone will know that that  
23 worker's falling short?

24 MS. MELL: Object to the form.

25 A. Not to my knowledge.

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1 section called Specific Work Duties. That section Specific  
2 Work Duties, is that what GEO expects of the detainee  
3 workers in terms of their duties and responsibilities?

4 MS. MELL: Object to the form of the question.

5 A. I don't know what GEO expects. If I was the  
6 officer in the barbershop, this is what I would expect for  
7 myself and the detainee workers.

8 Q. And that's true of each of the job descriptions  
9 where we look at the specific work duties, that those will  
10 be the work duties that the detainee worker would be  
11 responsible for?

12 A. Correct.

13 Q. Now, taking that first page, in your experience  
14 as a detention officer and a sergeant at the Northwest  
15 Detention Center, do detainee workers working in the  
16 barbershop have discretion to deviate from the specific  
17 work duties that are shown there on the first page of  
18 Exhibit-315?

19 MS. MELL: Object to the form of the question.

20 A. I have never worked in a barbershop.

21 Q. Setting that aside, of what you know of the  
22 facility and your work as a detention officer, and a  
23 sergeant, and having looked at other job descriptions,  
24 would detainee workers be allowed to deviate from their  
25 specific work duties?

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1 MS. MELL: Object to the form of the question.

2 A. If these are the specific work duties, this is  
3 what is expected.

4 Q. So let's look at the second bullet there, "Apply  
5 clipper oil after each cleaning."

6 Do you see that?

7 A. Yes.

8 Q. Would a detainee worker have the discretion to  
9 disregard that instruction?

10 MS. MELL: Object to the form of the question.

11 A. No, if it says they're supposed to apply clipper  
12 oil after each cleaning, the expectation is to apply  
13 clipper oil after each cleaning.

14 Q. Let's look a couple bullets down. It says  
15 "Towels will not be used."

16 Do you see that?

17 A. Yes.

18 Q. Could a detainee worker decide hey, I'm going to  
19 use towels?

20 MS. MELL: Object -- object to the form of the  
21 question.

22 A. They can make any decision they want to make.  
23 The ramification is that they probably aren't going to work  
24 in the barbershop anymore.

25 Q. And that's the case, GEO's there, the detention

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1 Q. Detainee workers working in the barbershop don't  
2 have discretion to cut hair in the yard, do they?

3 MS. MELL: Object to the form of the question.

4 A. No.

5 Q. GEO directs them to cut hair in the barbershop;  
6 correct?

7 A. Correct.

8 Q. And provides the space for them to do so;  
9 correct?

10 A. Correct.

11 Q. And provides the scissors for them to cut hair?

12 A. I don't know if they have scissors, clippers.

13 Q. Provides the equipment for them to cut hair?

14 A. Correct.

15 Q. Detainee workers aren't allowed to use their own  
16 equipment in the barbershop; is that right?

17 A. Correct.

18 Q. Detainee workers working as barbers don't get  
19 paid more if they have preexisting skill as a barber; is  
20 that right?

21 A. Every person that works gets a dollar per day is  
22 the compensation.

23 Q. So you're agreeing with me then that regardless  
24 of preexisting skill as a barber, they don't get paid more?

25 MS. MELL: Object to the form.

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1           A. I'm telling you that just like I said earlier,  
2        50 years experience or one day experience, the compensation  
3        rate is a dollar per day.

4           Q. There's no opportunity for the barbers to make  
5        more if they are doing a more complex haircut or hair  
6        styling; correct?

7           A. No.

8           Q. And when you say no, you're agreeing with me,  
9        they can't make more?

10          A. The compensation is one dollar per day, no more.

11          Q. Are there any GEO barbers at the Northwest  
12        Detention Center?

13          A. Officers?

14          Q. Correct.

15          A. No.

16           I don't know if they cut hair outside on their  
17        own time. I'm sure somebody does, but --

18          Q. Have you --

19          A. -- they don't cut detainee hair.

20          Q. I'm sorry, I cut you off there.

21           Have you ever observed GEO personnel cutting  
22        hair at the Northwest Detention Center?

23          A. No.

24          Q. Are you aware of GEO personnel cutting hair at  
25        the Northwest Detention Center?

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1 A. No.

2 Q. If detainee workers didn't cut hair at the  
3 Northwest Detention Center, who would?

4 MS. MELL: Object to the form of the question.

5 A. I -- I don't know.

6 Q. GEO would have to find someone; correct?

7 MS. MELL: Object to the form of the question.

8 A. I don't know.

9 Q. All right, let's look at the next page of  
10 Exhibit-315. This is a detainee job description for  
11 barbershop cleaner.

12 Are you with me?

13 A. Yes.

14 Q. Looking at that first bullet, it states "Clean  
15 Clippers by turning clippers off, brush hair from blades,  
16 turn clippers back on and spray liberally with H42 cleaner  
17 until blades are clear of all foreign matter."

18 Do you see that?

19 A. Yes.

20 Q. Would you agree that GEO is directing barbershop  
21 cleaners to use H42 cleaner?

22 A. That's how I read it.

23 Q. Do detainee barbershop cleaners have discretion  
24 to use a different type of cleaner in cleaning the  
25 clippers?

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1           A.    Based on this sentence you just read me, no.  
2    I've never worked in the barbershop, so the first time I am  
3    seeing in this. I can only answer with what I read. It  
4    says that they're supposed to use H42, that's what they're  
5    supposed to use.

6           Q.    And is it fair to assume that GEO would provide  
7    the H42 cleaner to the detainee barbershop cleaners?

8           A.    Yes.

9           Q.    Are you aware of any GEO personnel working as  
10    barbershop cleaners?

11          A.    Not -- no.

12          Q.    Let's look at the next page. This is the third  
13    page of Exhibit-315. It's a detainee job description for  
14    medical cleaning.

15                  Are you there?

16          A.    Yes.

17          Q.    Now, towards the top here, this one says "Pay  
18    Scale Grade: Unskilled."

19                  Do you see that?

20          A.    Yes.

21          Q.    What does that unskilled mean?

22          A.    I don't know. I didn't create the form. I  
23    don't know what the intentions of it is or why it's there.

24          Q.    Have you ever seen that -- seen that notation  
25    before on job descriptions, unskilled?

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1           A.    If you continue to flip through the pages, it's  
2    on every single one except for the barbershop.

3           Q.    Let's look at the specific work duties for the  
4    medical cleaning job description. The first item there  
5    says "Dust Medical Offices."

6           A.    Do you see that?

7           A.    Yes.

8           Q.    Could the medical cleaners clean in an area  
9    other than the medical offices?

10          A.    I don't believe they clean in the medical  
11    offices.

12          Q.    Could the medical cleaners dust anywhere other  
13    than the medical offices?

14          A.    In the hallways, in the cells, behind the  
15    counter, in the corners of the door, down the hallway, the  
16    window sills in medical.

17          Q.    Well, my question then is, could they clean  
18    outside of medical if they weren't assigned?

19          A.    If their job title is medical cleaning, no. I  
20    mean, they -- they can clean inside the unit if they want  
21    to.

22          Q.    I guess I'm not phrasing this very well.  
23                   I mean, the job description is for medical  
24    cleaning. The expectation is that they clean the medical  
25    unit; correct?

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1 A. Yes. Correct.

2 Q. And then it goes on to list about vacuuming,  
3 mopping, cleaning. GEO provides all of the materials  
4 necessary to carry out those tasks; correct?

5 A. Correct.

6 Q. And in looking at these specific work duties,  
7 GEO is directing the medical cleaners to dust, to vacuum,  
8 to mop, to clean the toilets, to remove the trash; correct?

9 A. Those are the work duties, yes.

10 Q. Now, looking at this medical cleaning job  
11 description, there's a section called Termination.

12 Do you see that?

13 A. Yes.

14 Q. The first item says "Failure to follow CSC staff  
15 instructions."

16 What is CSC staff?

17 A. I don't know. I've never seen this form before.

18 Q. But to my question, CSC, have you ever seen that  
19 acronym before?

20 A. Probably sometime in my life, but I don't know  
21 what it refers to here.

22 Q. Looking at the next item down, it says "Failure  
23 to follow safety procedures."

24 Would you agree that failure to follow safety  
25 procedures could lead to termination?

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1 A. Yes.

2 Q. Item 3 says "Excessive absenteeism."

3 Would you agree that excessive absenteeism could  
4 lead to termination of the medical cleaners?

5 A. Yes.

6 Q. Would you agree that misconduct and horseplay  
7 could lead to termination of the medical cleaners?

8 A. Yes.

9 Q. Would you agree that theft could lead to  
10 termination of the medical cleaner?

11 A. Yes.

12 Q. Would you agree that unsatisfactory work  
13 performance could lead to termination of the medical  
14 cleaner?

15 A. Yes.

16 Q. And it's GEO that decides if any of these  
17 fireable offenses have occurred --

18 MS. MELL: Object --

19 Q. -- is that the case?

20 MS. MELL: Object to the form.

21 A. It could be anybody. If two people are  
22 fighting, and a nurse walks by, they're not going to ignore  
23 the fighting, they're going to tell somebody.

24 Q. That nurse would be GEO staff though; correct?

25 A. No.

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1 MS. MELL: Object to the form.

2 Q. No?

3 All right, well let's take item 6 there,  
4 "Unsatisfactory work performance," who would make that  
5 determination?

6 A. An officer.

7 Q. That's a GEO officer; correct?

8 A. Correct.

9 Q. And what about failure to follow safety  
10 procedures leading to termination, who would make that  
11 call?

12 A. GEO.

13 Q. Now, the medical cleaners, could they make more  
14 money if they were excellent cleaners?

15 A. Compensation for any job in the facility is one  
16 dollar per day, whether they are an excellent cleaner, not  
17 such a good cleaner, they have been cleaning for 50 years,  
18 if this is the first day they picked up a mop, compensation  
19 is one dollar per day, not more, not less.

20 Q. Have you ever requested a pay raise, so to  
21 speak, for any of the detainee workers that you've  
22 supervised?

23 A. No.

24 Q. Have you ever inquired with -- within your chain  
25 of command, to the lieutenant or the captain, about whether

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1 or not GEO could pay detainee workers more than a dollar a  
2 day?

3 A. No.

4 Q. Now, if the detainee workers didn't carry out  
5 the medical cleaning described on page 3 of Exhibit-315,  
6 who would?

7 A. I don't know.

8 Q. Are you aware of any GEO personnel that is  
9 responsible for cleaning the medical unit?

10 A. GEO has janitors.

11 Q. How many janitors does GEO have?

12 A. I'm not sure. There were three at one point.

13 Q. And would that be three working all at once, or  
14 three spread out across various shifts?

15 A. I don't know their schedule.

16 Q. How many janitors does GEO have right now?

17 A. I'm not sure.

18 Q. Can you name any of them for me?

19 A. Last name.

20 Q. Sure, who?

21 A. Edgecomb.

22 Q. Spell that for me.

23 A. Edgecomb, E-D-G-E-C-O-M-B, I believe. That's  
24 just a guess.

25 Q. So Edgecomb.

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1 A. Nguyen.

2 Q. Spell that one for me.

3 A. N-G-U-Y-E-N, guessing.

4 Q. Anyone else?

5 A. Not that I can think of.

6 Q. Now, the -- you said that Mr. Edgecomb and Mr. Nguyen are current janitors?

7 A. Correct.

8 Q. Can you distinguish for me the work that these  
9 two do as opposed to the janitorial services that the  
10 detainee workers do?

11 A. MS. MELL: Object to the form.

12 Q. They have access to parts of the facility where  
13 detainees wouldn't be able to go.

14 A. Are you aware of any other distinction?

15 Q. Not to my knowledge. I'm not a janitor. I'm  
16 not sure what the difference is.

17 A. And as you sit here today, the first thing that  
18 you can think of though is that the janitors have access to  
19 areas that the detainee workers can't go; correct?

20 Q. MS. MELL: Object to form.

21 A. Correct.

22 Q. They also have keys.

23 A. Can you tell me the areas that the janitors can  
24 go that the detainee workers can't?

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1                   A.    Would you like a list or --

2                   Q.    Sure.

3                   A.    Break room, male locker room, female locker  
4                   room, courts, immigration, warehouse, maintenance, loading  
5                   dock, front lobby, employee restrooms, visitation  
6                   restrooms, outside in the dog run, perimeter, upstairs in  
7                   immigration, through emergency doors, parking lot, on the  
8                   property.

9                   I'm sure there's more, I just --

10                  Q.    But the common theme though among all the items  
11                  that you just listed for me is that detainees can't go  
12                  there?

13                  A.    Correct.

14                  Q.    Now, are you aware of the janitors cleaning in  
15                  areas that detainees have access to?

16                  A.    Medical, but parts that they wouldn't have  
17                  access to.

18                  Q.    All right, so again, are you aware of the  
19                  janitors cleaning areas that the detainee workers have  
20                  access to?

21                  A.    I mean, if they see something on the ground,  
22                  they might pick it up, if you consider that cleaning, but I  
23                  would think all the officers would do the same thing. So  
24                  technically, we all clean.

25                  Q.    I get that, and that certainly makes sense. I

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1 mean, if there was a piece of trash in Ms. Mell's hallway,  
2 I would pick it up and throw it away for her.

3 But my specific question is whether or not you  
4 observed the janitors cleaning in let's say a pod, for  
5 example?

6 A. No.

7 Q. Have you observed the janitors cleaning in the  
8 laundry room?

9 A. No.

10 Q. Have you observed the janitors cleaning in the  
11 kitchen?

12 A. No.

13 Q. And these are all areas that the detainees have  
14 access to?

15 A. Correct.

16 Q. So is it fair to say that the detainee workers  
17 clean the areas that they have access to, and that the  
18 janitors clean the areas that the detainee workers do not  
19 have access to?

20 A. Correct.

21 MS. MELL: Object.

22 Q. And in your ten years at the facility, has the  
23 number of janitors been constant? You mentioned that there  
24 were three, but you named two for me --

25 A. There was three, and I believe one retired.

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1        might not be an everyday thing, but it's a possibility they  
2        could be asked to do that. It's a -- it's a work duty they  
3        may be asked to do.

4            Q. And looking as page 4 there of Exhibit-315, we  
5        see the section there at the bottom Termination.

6            Do you see that?

7            A. Yes.

8            Q. Is it the case then that general workers could  
9        be fired for excessive absenteeism?

10            A. Yes.

11            Q. Could they be fired for misconduct and  
12        horseplay?

13            A. Yes.

14            Q. Could they be fired for theft?

15            A. Yes.

16            Q. Could they be fired for unsatisfactory work  
17        performance?

18            A. Yes.

19            Q. Could they earn more if they were really good at  
20        their job?

21            A. Compensation for any job is one dollar per day.

22            Q. So that's no, they can't earn more?

23            A. No. Compensation's one dollar per day.

24            Q. And it's the case that GEO provides all of the  
25        equipment and cleaning materials necessary for the general

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1 workers to do their job?

2 A. Correct.

3 Q. Can the general workers work outside the  
4 Northwest Detention Center?

5 A. What do you mean by outside?

6 Q. Well, let me put it this way: In your ten years  
7 at the facility, are you aware of any detainee worker  
8 working for another company outside the detention center?

9 A. While they're being detained?

10 Q. Yes.

11 A. No.

12 Q. So there's no opportunity then for a detainee  
13 worker to say, I don't want to work for GEO, I want to work  
14 down the street?

15 MS. MELL: Object to the form of the question.

16 A. No. It's a secured facility. They can't leave  
17 and come as they want to.

18 Q. They have to stay?

19 A. Correct.

20 Q. And you mentioned sometimes with the general  
21 workers that -- no, strike that.

22 Let's look at the next page of Exhibit-315.

23 This is page 5. This is for laundry worker.

24 Are you there?

25 A. Yes.

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1 Q. Would you agree that those are the specific work  
2 duties of detainee workers in the laundry department?

3 A. Yes.

4 Q. And when you were working as the detention  
5 officer in laundry, that's what you expected of the  
6 workers; correct?

7 A. Correct.

8 Q. And they didn't have the discretion to deviate  
9 from their specific work duties; is that the case?

10 A. That's the job duties, that's what was expected.

11 Q. GEO provided all of the equipment and materials  
12 needed for them to do their jobs as laundry workers?

13 A. Correct.

14 Q. And they couldn't do their laundry work outside  
15 of the laundry unit?

16 MS. MELL: Object to the form of the question.

17 A. No.

18 Q. They couldn't, for example, take a load of  
19 laundry and fold it in the yard?

20 A. No.

21 Q. Is there a third-party service that does laundry  
22 at the Northwest Detention Center?

23 MS. MELL: Object to the form.

24 A. Not to my knowledge.

25 Q. If the detainee workers didn't do laundry, who

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1       would?

2           A.    I -- I don't know.

3           Q.    And then we also see here on the laundry worker  
4       job description a list of fireable offenses.

5                   Do you see that?

6           A.    Correct.

7           Q.    Do you agree that failure to follow safety  
8       procedures could lead to termination of laundry workers?

9           A.    Yes.

10          Q.    Excessive absenteeism?

11          A.    Yes.

12          Q.    Misconduct and horseplay?

13          A.    Yes.

14          Q.    Theft?

15          A.    Yes.

16          Q.    And unsatisfactory work performance?

17          A.    Yes.

18          Q.    And with any of the job descriptions that we've  
19       seen, can detainee workers change the job duties?

20          A.    They cannot change the job duties.

21          Q.    Can they negotiate for more pay?

22          A.    No, compensation is a dollar per day.

23          Q.    What is a pod porter?

24          A.    Be a detainee who -- pod porter?

25          Q.    Yes.

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1 eventually end up with this?

2 A. Correct.

3 Q. These questions are going to be similar, but I'm  
4 going to ask again.

5 Do the pod porters have discretion to deviate  
6 from the job duties that are listed here?

7 A. No. These are the expectations. This is what's  
8 expected.

9 Q. **And the pod porters use the materials provided**  
10 **by GEO; correct?**

11 A. **Correct.**

12 Q. And they clean in the areas that GEO tells them  
13 to clean in; correct?

14 A. For a pod porter. It's the common areas of the  
15 living area.

16 Q. Looks like there are -- well, let me back up.

17 Is it the case then that a pod porter is  
18 expected to clean in each of these areas, or do they have a  
19 specific area?

20 A. So it's a specific area.

21 Q. So let's take the first one for example, shower  
22 cleaners. So a particular pod porter could be assigned to  
23 clean the showers only; is that the case?

24 A. Correct.

25 Q. And then a different pod porter or detainee

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1 worker could be assigned to clean the bathrooms and  
2 bathroom cell?

3 A. Correct.

4 Q. So let's say a pod porter assigned to clean the  
5 shower --

6 A. Mm-hm.

7 Q. -- do they have discretion to clean the bathroom  
8 instead?

9 A. That's not their job. They can clean whatever  
10 they want inside the unit, their job is shower cleaner. So  
11 they can help wherever they want to clean, they can clean  
12 on their own time because they want, they like it, they  
13 enjoy it, it gives them something to do, but that's their  
14 main -- that's their job, shower cleaner.

15 Q. And if they clean more, right, they don't make  
16 more money?

17 A. No.

18 Q. Is it the case then that the detainee worker  
19 signs this form that is Exhibit-316 and then to the  
20 detention officer signs as well?

21 A. Correct.

22 Q. And GEO fires pod porters if they fail to do  
23 their job; is that correct?

24 A. Correct.

25 Q. Now, if the detainee workers didn't clean the

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1       pods, who would?

2           A.    I -- I don't know.

3           Q.    Do you think the detainee workforce is an  
4        important part of carrying out the operations at the  
5        Northwest Detention Center?

6           MS. MELL: Object to the form of the question.

7           A.    I think it's a benefit to the population. They  
8        gain some -- a sense of pride from it, they gain the sense  
9        of I'm not stuck here. It gives them -- you know, just  
10       like everybody else, you know, everybody else works. You  
11       know, they have their normal job, that type of thing. This  
12       gives them a sense of I'm not just stuck in here, I have  
13       this, this objective or goal that I have to do. And it  
14       helps them out financially. I think it's a benefit to --  
15       sorry -- the population overall.

16           Q.    Do you think GEO gets something out of it too  
17        though?

18           MS. MELL: Object to the form of the question.

19           A.    I'm sure they do.

20           Q.    I guess that's what I'm driving at. I mean, do  
21        you think that the work that GEO gets from the detainee  
22        workers is important?

23           MS. MELL: Object to the form of the question.

24           A.    Yes.

25           Q.    It's important to the operation of the facility?

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1 MS. MELL: Object to the form of the question.

2 A. Correct.

3 Q. What is a detainee worker pay sheet?

4 A. It's a -- I don't -- do you -- do you have one?

5 Q. I do.

6 A. Okay, cool. Because it's easier to explain  
7 it --

8 Q. Let's do it that way.

9 A. -- instead of trying to explain it --

10 Q. Yeah, no it's not --

11 A. -- you hand it to me.

12 Q. It's not a gotcha question.

13 Hold on, let me --

14 A. Basically it's a sheet, once they've completed  
15 their task or their job for the day, they sign the sheet  
16 saying I've done, you know, whatever my job is, I've  
17 completed it for the day. And it gets turned in every  
18 night.

19 Q. Oh, I guess we used it yesterday. Give me a  
20 second.

21 Exhibit-308, please.

22 Okay. All right, you've just been handed  
23 Exhibit-308.

24 A. Thank you.

25 Q. Is this an example of a detainee worker pay

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1 sheet?

2 A. Yes.

3 Q. Let's look at the top there of Exhibit-308.

4 That last bullet, it says "By detainee signature staff" --  
5 excuse me, let try that again. Strike that.6 Let's look at the last bullet there at the top  
7 of Exhibit-308. It says, "By detainee signature staff is  
8 affirming that the following have been evaluated and met  
9 acceptable standards: the job was completed, detainee  
10 maintained a good attitude, and the detainee began work on  
11 time."

12 Did I read that correctly?

13 A. I believe so.

14 Q. Was that your understanding when a detainee  
15 signed off, it was the staff affirming that the detainee  
16 had done their job?17 A. We hold this paper, it's in the desk, or  
18 wherever it may be, so us giving it to them and having them  
19 sign it.

20 Q. Well, let me ask a different way.

21 When and why do detainees sign off on this form?

22 MS. MELL: Object to the form of the question.

23 A. It's verifying that the work was done.

24 Q. In that way then is this a sort of roll sheet so  
25 that you have a record of whether or not the work was

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1       actually done?

2           A.    Correct.

3                   And it's -- you know, it's a paper trail so, you  
4       know, if you're a detainee, you worked last week, and you  
5       never got paid, you didn't get your dollar or whatever --

6           Q.    Mm-hm.

7           A.    -- I could find, Oh, you didn't sign it.

8                   And then I would -- you know, if I was in there  
9       that day, I can verify you worked, and I can write a memo  
10      saying oh, it got turned in before he signed it, or he was  
11      somewhere else when -- and never got a chance to sign it,  
12      if that makes sense.

13           Q.    To your knowledge, did ICE ever play any role in  
14      assigning detainees to work assignments within the  
15      facility?

16           A.    Not to my knowledge.

17           Q.    To your knowledge, did ICE ever play any role in  
18      terminating a detainee from a work assignment?

19           A.    Not to my knowledge, besides them leaving the  
20      facility.

21           Q.    Who sets the detainee worker schedule?

22           A.    I am not positive.

23           Q.    Let's take a look at Exhibit-309.

24                   THE WITNESS: Do you need this back? It's from  
25      someone else.

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1 since I started there, so I don't know who created it, who  
2 put it into the play, but ...

3 Q. Would it be fair to say then it's a GEO-approved  
4 schedule?

5 A. Yeah. Yes.

6 Q. All right, so there's a GEO-approved schedule  
7 for detainee workers; correct?

8 A. Correct.

9 Q. And GEO provides detainee workers the training  
10 they need to do their jobs; correct?

11 A. Correct.

12 Q. GEO provides them the equipment they need to do  
13 their job; correct?

14 A. Correct.

15 Q. The detainee workers aren't allowed to deviate  
16 from their job duties; correct?

17 A. Correct.

18 Q. GEO supervises the detainee workers as they go  
19 about their work; correct?

20 A. Like I said earlier, they're not standing over  
21 there supervising them that specific task, there's  
22 supervision while multitasking throughout the day.

23 Q. If a detainee worker fails to carry out their  
24 job duties or goes about them in an unsafe way, GEO can  
25 fire them; correct?

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1 MS. MELL: Object to the form of the question.

2 A. Yeah.

3 MR. WHITEHEAD: All right, let's take one more  
4 break.

5 THE VIDEOGRAPHER: Going off the record. The  
6 time is 12:38.

7 (Recess at 12:38 p.m.)

8 (Reconvened at 12:48 p.m.)

9 THE VIDEOGRAPHER: Back on the record. The time  
10 is 12:48.

11 Q. Mr. Tracy, earlier you told me about two  
12 janitors by name that work at the Northwest Detention  
13 Center; do you recall giving that testimony?

14 A. Yeah, Edgecomb and Nguyen.

15 Q. Do you know how much they're paid?

16 A. I have no idea.

17 Q. Mr. Tracy, I know I've asked you some pointed  
18 questions today, but have I been fair with you?

19 MS. MELL: Objection. You don't have to answer  
20 that. You don't -- don't answer that. No. You don't have  
21 to answer that question.

22 Are you done?

23 Q. Yeah, I thought it was a fair question, but  
24 if -- are you going to take the advice of counsel?  
25 Ultimately it's your decision about whether or not you're

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1

C-E-R-T-I-F-I-C-A-T-E

2

3 STATE OF WASHINGTON )

4 ) ss.

5 COUNTY OF THURSTON )

6

7 I, the undersigned Registered Professional  
8 Reporter and Certified Court Reporter, hereby  
certify that the foregoing deposition upon oral  
examination was taken stenographically before me and  
transcribed under my direction;

9

10 That the witness was duly sworn by me,  
11 pursuant to RCW 5.28.010, to testify truthfully; that the  
12 transcript of the deposition is a full, true, and correct  
transcript to the best of my ability; that I am neither  
attorney for, nor a relative or employee of, any of the  
13 parties to the action or any attorney or counsel employed  
by the parties hereto, nor financially interested in its  
outcome.

14

15 I further certify that in accordance with CR  
16 30(e), the witness was given the opportunity to examine,  
17 read, and sign the deposition, within 30 days, upon its  
completion and submission, unless waiver of signature was  
indicated in the record.

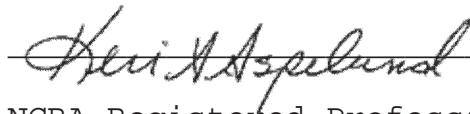
18

19 IN WITNESS WHEREOF, I have hereunto set  
my hand this 10th day of December, 2019.

20

21

22



23

24

25

NCRA Registered Professional Reporter  
Washington Certified Court Reporter No. 2661